

REMARKS

In response to the Final Office Action mailed September 16, 2005 in the above-identified application, Applicant respectfully requests consideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1 to 14, 17, 18, 33 to 53, 56 and 57 are pending in the application, of which claims 1, 9, 14, 33, 45 and 53 are independent claims. No claims have been amended herein. The application as presented is believed to be in allowable condition.

On page 2 of the Office Action, claims 1, 3 to 9, 11 to 14, 17 and 18 were rejected under 35 U.S.C. §103(a) as allegedly defining subject matter obvious over Saxe (U.S. 5,636,346) in view of Heinly (NAHB Conferees Explore Strategies to Cope with Market Revolution). Claims 2, 10, 53, 56 to 57 also were rejected under 35 U.S.C. §103(a) as allegedly defining subject matter obvious over Saxe in view of Heinly and Wright (U.S. Patent No. 6,004, 276). On page 23 of the Office Action, claims 33 to 35, 37 to 43, 45 to 47 and 49 to 51 were rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Saxe. Applicant respectfully traverses these rejections.

Independent claim 1 describes a method for generating a targeted list of prospective customers from a database, which contains prospective lists and data about each list. Specifically, each time a purchaser uses a prospective list, she provides feedback information to the database regarding the success of such list. Using this information, the method identifies one or more prospective lists that have been deemed “successful” by a

purchaser. The method then identifies other purchasers who have successfully used this same list. Furthermore, the method identifies other successful lists that have been used by these other purchasers. A compilation of these successful lists produces a targeted list of prospective customers.

Neither the Saxe nor Heinly reference disclose or suggest the foregoing features of claim 1. In particular, the references fail to teach identifying “at least one other list purchaser who used one or more successful lists identified for the first list purchaser.”

Rather, Saxe describes an advertising system that matches “a list of consumers having generally similar characteristics” with a pre-determined customer profile (col. 11, lines 18-24). In other words, Saxe examines the *contents* of a customer list in order to identify consumers with similar characteristics. Nowhere does Saxe disclose generating a prospective customer list based a previous purchaser’s assessment of that list (i.e. whether the list was “successful”). Nor does the Heinly or Wright reference. Thus, for at least the foregoing reasons, claim 1 is patentable over Saxe, Heinly and Wright and is in condition for allowance. Claims 2 to 8 depend from claim 1 and are allowable based at least upon their dependency.

Independent claims 9, 14, and 53 are computer-readable storage medium, system and computer system claims that correspond, roughly, to claim 1. They are allowable for at least the same reason as claim 1. Claims 10 to 13, 17, 18, 56 and 57, depend from at least one of claims 9, 14 or 53, and are allowable based at least upon their dependency.

Independent claim 33 recites, *inter alia*, identifying “at least one other list purchaser who used one or more successful lists identified for the first list purchaser.” For reasons similar to those discussed above in connection with claim 1, claim 33 is patentable over Saxe and is in condition for allowance. Claims 34 to 44 depend from claim 33 and are allowable based at least upon their dependency.

Independent claim 45 is a computer-readable storage medium claim that corresponds, roughly, to claim 33 and is allowable for at least the same reason as claim 33. Claims 46 to 52 depend from claim 45 and are allowable based at least upon their dependency.

Each of the dependent claims also defines patentable features of the invention. Each dependent claim partakes of the novelty of its corresponding independent claim and, as such, has not been discussed specifically herein.

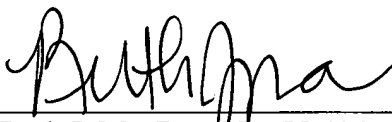
It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

In view of the foregoing remarks, Applicant respectfully submits that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant hereby requests any necessary extension of time. Please charge any deficiency to Deposit Account No. 06-1448, reference NMC-003.01. Applicant's undersigned attorney can be reached at the address shown below. All telephone calls should be directed to the undersigned at 617-832-1257.

Respectfully submitted,

Date: December 16, 2005
Customer No: 25181
Patent Group
Foley Hoag, LLP
155 Seaport Blvd.
Boston, MA 02210-2600


Ruth J. Ma, Reg. No. 55,414
Attorney for Applicant
Tel. No. (617) 832-1257
Fax. No. (617) 832-7000